

PUBLIC MEETING MINUTES

December 8, 2005

PUBLIC EMPLOYMENT RELATIONS BOARD
1031 18th Street
Sacramento, CA 95814

Chairman Duncan called the meeting to order at 10:00 a.m.

Members Present

John C. Duncan, Chairman
Alfred K. Whitehead, Member
Lilian S. Shek, Member
Sally M. McKeag, Member
Karen Neuwald, Member

Staff Present

Bob Thompson, General Counsel
Fred D'Orazio, Chief Administrative Law Judge
Eileen Potter, Chief Administrative Officer
Les Chisholm, Regional Director

Call to Order

Chairman Duncan called the Board to order for the continuous open session of the October 12, 2005, Board meeting. He reported that the Board met in continuous closed session to deliberate on cases pending on the Board's docket.

Since that open session in October, the Board has issued PERB Decision Nos. 1781, 1782-C, 1783-M and 1784-H. He further reported that the following requests for Injunctive Relief were denied: I.R. No. 495 (Coalition of University Employees v. Regents of the University of California), I.R. No. 496 (UPTE, CWA Local 9119 v. Regents of the University of California), I.R. No. 497 (California Nurses Association v. Regents of the University of California), I.R. No. 498 (Tony Hicks, et al. v. Compton Unified School District) and I.R. No. 499 (Teachers Association of Long Beach v. Long Beach Unified School District). A document containing a listing of the aforementioned decisions was made available at today's meeting.

Motion: Motion by Member McKeag and seconded by Member Shek to close the October 12, 2005, public meeting.

Ayes: Duncan, Whitehead, Shek, McKeag and Neuwald.

Motion Carried.

Chairman Duncan opened the meeting of December 8, 2005 and Member McKeag led in the Pledge of Allegiance to the Flag.

Minutes

Motion: Motion by Member Neuwald and seconded by Member Shek that the Board adopt the minutes of the Public Meeting of PERB for October 12, 2005.

Ayes: Duncan, Whitehead, Shek, McKeag and Neuwald.

Motion Carried.

Comments From Public Participants

None.

Staff Reports

a. Administrative Report

Chief Administrative Officer Eileen Potter reported that the final budget documents for PERB were submitted to the Department of Finance. She also reported, in regards to building maintenance for the PERB Headquarters Office in Sacramento, security lights will be installed on the back wall of the building located in the parking area, and carpets will be replaced on the 2nd floor in the common walkway areas and hallways.

She further reported that Jaqueline Buzo was hired to fill a vacant clerical position in the Los Angeles Regional Office and one vacant clerical position remained to be filled in the Sacramento Regional Office, pending advertisement for applicants.

Ms. Potter reported that the PERB on-line filing system for unfair practice charges is now in its testing and debugging stages and she will keep the Board apprised of future developments. Member Neuwald expressed that she viewed the on-line filing system as an important alternative tool for constituents to process claims and commended Ms. Potter and staff involved for their hard work on the project. Member Whitehead asked Ms. Potter if the application of the on-line filing system incurred any additional cost to PERB. She responded that the system did not incur additional cost to the agency and that it was encumbered into the budget. Member Whitehead also asked how many years remained in the lease for the PERB Headquarters Office in Sacramento. Ms. Potter responded that in 2004, PERB entered into a new eight year lease. Chairman Duncan suggested that the Board begin review of the lease for its Los Angeles Regional Office. Ms. Potter indicated the lease for the Los Angeles office had 2 years remaining in the soft term and negotiations began for an extension during the goodwill period. However, the owner of the building is being uncooperative in its negotiations and PERB may have to start looking for a new location in two years. Ms. Potter indicated that she would keep the Board apprised of future developments.

b. Legal Report

General Counsel Bob Thompson reported that the regional attorney and litigation reports were distributed to the Board for their review. He further reported that the approximate intake of charges for the month of November was 78. It was reflective of the new staff added to the General Counsel's Office that 283 cases were completed at the investigative stage. Also, as a result of the new hires, the number of cases on the General Counsel's docket was reduced and the number of days it took a charge to be investigated was reduced to 60 days, a target that the General Counsel's Office has been trying to achieve for a number of months.

Mr. Thompson reported that Jerilyn Gelt, Public Employment Relations Specialist in PERB's Oakland Regional Office will be retiring after 27 years of service, effective December 31, 2005. Mr. Thompson thanked Ms. Gelt for her dedication to PERB in the completion of numerous impasse, representation and unfair practice charge cases and wished her well in her new venture. Member Neuwald requested that Mr. Thompson relay the Board's congratulations to Ms. Gelt as well. Member Shek suggested that a written proclamation or certificate of appreciation be made to acknowledge and honor Ms. Gelt's years of service. Chairman Duncan agreed to draft such a document on behalf of the Board.

Chief Administrative Law Judge Fred D'Orazio reported that the administrative law judge report was distributed to the Board for their review. He indicated that the number of hearings set increased from 42 to 57 per month. He also stated that due to budgetary restraints, the administrative law judges (ALJ) have not been traveling to onsite hearings. However, in an attempt to accommodate requests from various parties that hearings be conducted in their areas, the Board will approve, on a trial basis, the travel of ALJ's to various sites on a case-by-case basis. Mr. D'Orazio will monitor any added costs incurred to PERB and will give a status report to the Board at the next public meeting.

c. Legislative Report

Sacramento Regional Director Les Chisholm reported that once the Legislature is back in session he will be able to report on the status of Senate Bill 1041, a bill that would restructure the Agricultural Associations and allow them to become public corporations.

Motion: Motion by Member Whitehead and seconded by Member McKeag that the Administrative, Legal Reports (including General Counsel and Chief Administrative Law Judge) and Legislative Reports be received.

Ayes: Duncan, Whitehead, Shek, McKeag and Neuwald.

Motion Carried.

Old Business

Chairman Duncan stated, pursuant to Government Code section 87306 and Section 18750 of the Regulations of the Fair Political Practices Commission (FPPC), the Board will consider additional amendments to PERB's conflict-of-interest code (codified at PERB Regulation 31100), modifying the actions taken at the May 11 and June 9, 2005, public meeting. General Counsel Bob Thompson briefly summarized the additional amendments made to PERB's conflict-of-interest code regulations and recommended that the Board adopt them as presented. He indicated the purpose of PERB revisiting the proposed changes was to make all conflict-of-interest codes throughout state government uniform and consistent with the definitions of FPPC.

Motion: Motion by Member Neuwald and seconded by Member McKeag that, pursuant to Government Code section 87306 and Section 18750 of the Regulations of the Fair Political Practices Commission, the additional amendments to PERB's conflict-of-interest code be adopted.

Ayes: Duncan, Whitehead, Shek, McKeag and Neuwald.

Motion Carried.

New Business

Chairman Duncan announced that PERB will be scheduling an Advisory Committee Meeting on Thursday, January 26, 2006 from 10:00 a.m. – 12:00 p.m. in the Sacramento Headquarters Office. He indicated that these meetings will be regularly scheduled every six months. An official notice and agenda of the Advisory Committee Meeting may be found on the PERB web site (www.perb.ca.gov).

General Discussion

There being no further business, the meeting is recessed to continuous closed session.

The Board will meet in continuous closed session each business day beginning immediately upon the recess of the open portion of this meeting through February 9, 2006 when the Board will reconvene in Room 103, Headquarters Office of the Public Employment Relations Board.

The purpose of these closed sessions will be to deliberate on cases listed on the Board's Docket (Gov. code sec. 11126(c)(3)), personnel (Gov. Code sec. 11126(a)), pending litigation (Gov. Code sec. 11126(e)(1)), and any pending requests for injunctive relief (Gov. Code sec. 11126(e)(2)(c)).

Motion: Motion by Member Neuwald and seconded by Member Shek that there being no further business, the meeting be recessed to continuous closed session.

Ayes: Duncan, Whitehead, Shek, McKeag and Neuwald.

Motion Carried.

Respectfully submitted,

Chris Wong, Executive Assistant

APPROVED AT THE PUBLIC MEETING OF:

John C. Duncan, Chairman